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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,322	03/06/2002	Anthony Allen	WPT 20030	9028
7590	03/15/2004		EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	
			DATE MAILED: 03/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/092,322	ALLEN, ANTHONY
	Examiner Shay L Balsis	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any carried patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 March 2002.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 and 11-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9 and 11-20 is/are rejected.
 7) Claim(s) 3,9,19 and 20 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 March 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 4/1/02, 6/7/02.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 3, 9, 19 and 20 are objected to because of the following informalities:

Claim 3 recites the limitation "the inner cylinder" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 9, 19 and 20 recite the limitation "the inner end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Satzinger (USPN 2769192).

Satzinger teaches a cleaning pad with a brush comprising a first body (1) and second body (8) mounted onto the first body. The first body has a first set of holes and the second body has a second set of through holes therein corresponding in number and spacing to the first set of holes. The first body is moveable relative to the second body between a first position where the holes are co-linear to receive wire bristle bundles and a second position where the holes are misaligned to clamp the wire bristle bundles.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mears (USPN 6070594).

Mears teaches a cleaning pad with a brush comprising a first body comprising a cylinder (24) and second body comprising a cylindrical sleeve (18) mounted onto the first body. The first body is coaxially received in the second body sleeve. The first body has a first set of holes and the second body has a second set of through holes therein corresponding in number and spacing to the first set of holes. The first body can be moved longitudinally and rotatably relative to the second body between a first position where the holes are co-

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linear to receive bristle bundles and a second position where the holes are misaligned to clamp the bristle bundles.

5. Claims 1-4, 6, 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Prange (USPN 3314095).

Prange teaches a cleaning pad with a brush comprising a first body comprising a cylinder (10) and second body comprising a cylindrical sleeve (11) mounted onto the first body. The first body is coaxially received in the second body sleeve. The first body has a first set of holes and the second body has a second set of through holes therein corresponding in number and spacing to the first set of holes. The first body can be moved longitudinally and rotatably relative to the second body between a first position where the holes are co-linear to receive bristle bundles and a second position where the holes are misaligned to clamp the bristle bundles. The bristles bundles are made from braided steel wire cable (col. 2, lines 43-45).

6. Claims 1-4, 6-8, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fournier (USPN 5115534).

Fournier teaches a cleaning pad with a brush comprising a first body comprising a cylinder (49) and second body comprising a cylindrical sleeve (43) mounted onto the first body. The first body is coaxially received in the second body sleeve. The first body has a first set of holes (53) and the second body has a second set of through holes (47) therein corresponding in number and spacing to the first set of holes. The first body can be moved longitudinally and rotatably relative to the second body between a first position where the holes are co-linear to receive bristle bundles and a second position where the holes are misaligned to clamp the bristle bundles. The bristles may be made of wire, plastic, nylon or any other durable flexible material (col. 4, lines 41-43).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as

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a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 9, 11-13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prange in view of Brown (USPN 6464010).

With regards to claims 5 and 11-13, Prange teaches all the essential elements of the claimed invention however, fails to teach that the sewer cleaner is attached to a drill string. Allen teaches a brush for cleaning the walls of a well. The brush is attached to a work string such as a drill pipe. Allen and Prange are from the same field of endeavor of cleaning inside pipes and wells. It would have been obvious to attach Prange's invention to a drill string as taught by Allen because a drill string allows the brush to be rotated while cleaning. Additionally, since the brush would be capable of rotation, cleaning would be achieved faster and more completely.

With regards to claims 9, 19 and 20, Prange teaches all the essential elements of the claimed invention however, fails to teach a staple or ring wrapped around the end of each bristle bundle to further improve retention. Brown teaches clamping the bristles together at their ends to enhance the effectiveness of the brush as well as to clutch the wire bundle in place. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put wire clamps on Prange's bristles in order to keep the bristles in place when the holes are aligned so that the length of the bristles remain constant around the brush. The clamps would be located inside the cylinder.

9. Claims 5, 9, 11-13, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier in view of Brown (USPN 6464010).

With regards to claims 5, 11-13 and 17, Fournier teaches all the essential elements of the claimed invention however, fails to teach that the surface cleaner is attached to a drill string. Fournier teaches it being attached to a grass trimming tool. Allen teaches a brush for cleaning the walls of a well. The brush is attached to a work string such as a drill pipe. Allen and Fournier are from the same field of endeavor of cleaning surfaces with devices that rotate. It would have been obvious to attach Fournier's invention to a drill string as taught by Allen because a drill string allows the brush to not only be rotated but extended within a hole or well.

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Fournier already teaches a cleaning tool that rotates but to add the feature of extension would increase the uses for the tool such as scraping the inner surfaces of pipes clean.

With regards to claims 9, 19 and 20, Fournier teaches all the essential elements of the claimed invention however, fails to teach a staple or ring wrapped around the end of each bristle bundle to further improve retention. Brown teaches clamping the bristles together at their ends to enhance the effectiveness of the brush as well as to clutch the wire bundle in place. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put wire clamps on Fournier's bristles in order to keep the bristles in place when the holes are aligned so that the length of the bristles remain constant around the brush. The clamps would be located inside the cylinder.

10. Claims 7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prange in view of Fournier.

Prange teaches all the essential elements of the claimed invention however fails to teach using nylon as the material for the bristles. Fournier teaches using bristles of different material for different jobs allowing for versatility of the brush. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use nylon bristles as well as wire bristles, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S1b
3/4/04



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